ALLEGED VIOLATION: On or about September 7, 8, 13, 14, 19, and 28, and October 2, 6, and 10, 1950, while the drugs were being held for sale at the Gary Drug Co., Inc., after shipment in interstate commerce, various quantities of the drugs were repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

The Gary Drug Co., Inc., and Jacob H. Raverby were made defendants in all counts, and Tobias Levine was joined as a defendant in three of the counts involving sales made by him.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing accurate statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (e) (1), the label of the repackaged *Dexedrine Sulfate tablets* failed to bear the common or usual name of the drug; and, Section 502 (e) (2), the repackaged *Gantrisin tablets* failed to bear the common or usual name of each active ingredient of the drug.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (2), the labeling of the repackaged *Gantrisin tablets* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form as are necessary for the protection of users.

DISPOSITION: November 23, 1951. Pleas of guilty having been entered, the court imposed a fine of $200 against the corporation and $50 against each individual.

3623. Misbranding of pentobarbital sodium capsules. U. S. v. Stanley's Beach Pharmacy, Albert B. McCully, and Robert I. Stanley. Pleas of nolo contendere. Fine of $100 against pharmacy; sentence withheld against individuals and each placed on probation for 2 years. (F. D. C. No. 29120. Sample Nos. 1850–K, 1851–K, 1859–K, 1861–K, 1862–K, 63665–K.)

INFORMATION FILED: June 1, 1950, Southern District of Florida, against Stanley's Beach Pharmacy, a partnership, Fort Lauderdale, Fla., Albert B. McCully, a partner in the firm, and Robert I. Stanley, a pharmacist for the firm.

INTERSTATE SHIPMENT: From the State of Georgia into the State of Florida, of quantities of *pentobarbital sodium capsules*.

ALLEGED VIOLATION: On or about May 25, and June 3, 10, 25, 27, and 28, 1949, while the drug was being held for sale at Stanley's Beach Pharmacy after shipment in interstate commerce, various quantities of the capsules were repacked and sold without a prescription, which acts resulted in the capsules being misbranded.

Stanley's Beach Pharmacy was charged with causing the acts of repacking and sale of the drug involved in each of the 6 counts of the information; and

Robert I. Stanley, in 4 counts, and Albert B. McCully, in 2 counts, were charged with the sales made in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drug failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the drug failed to bear the name, and quantity or proportion of such derivative and the statement "Warning—May be habit forming."

DISPOSITION: October 5, 1951. Pleas of nolo contendere having been entered, the court imposed a fine of $100 against the partnership, withheld sentence against the individuals, and placed each individual on probation for 2 years.

3624. Misbranding of Special Prescription tablets and Aciduric tablets. U. S. v. 1 Drum, etc. (F. D. C. No. 31719. Sample Nos. 11314-L, 11315-L.)

LIBEL FILED: September 21, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 3 and September 11, 1950, by the Barlow-Maney Laboratories, from Cedar Rapids, Iowa.

PRODUCT: 1 drum containing 4,900 tablets designated "Special Formula tablets" and 57 bottles of tablets which had been repackaged from this drum by the consignee and labeled *Special Prescription tablets*; and 1 drum containing 14,900 tablets designated "Special Formula tablets" and 57 boxes of tablets which had been repackaged from the latter drum by the consignee and labeled *Aciduric tablets*. The products were located at Glendale, Ohio, and were accompanied by a number of labels, circulars entitled "Price List," and leaflets entitled "Special Notice."

Analysis indicated that the 4,900 tablets in one of the drums possessed essentially the composition stated upon the drum label and that the 14,900 tablets in the other drum contained approximately 5.4 grains of sodium salicylate per tablet.

LABEL, IN PART: (4,900-tablet drum) "Special Formula Tablets C. C. T. Each tablet contains as active ingredients: Po Iodized Lime 1/4 gr. (Represents a mixture of Iodine and Iodide of Calcium) Sodium acetate 1/4 gr. Sodium Nitrite 1 gr. Nitroglycerine Q. S. (1/1000 grain added at time of manufacture) * * * From the Laboratories of Arlo Co. * * * Cedar Rapids, Iowa"; (bottle) "Special Prescription Tablets * * * This package contains 75 tablets Each tablet contains: Iodized Lime 1/4 gr. Sodium Acetate 1/4 gr. Sodium Nitrite 1 gr. Sodium Bicarbonate 2 gr. Nitroglycerine 1-1000 gr. F. E. Crataegus 1 min."

(14,900-tablet drum) "Special Formula Tablets Each tablet contains: Sodium Salicylate, Powdered Cimicfugin, Powdered Phytolaccin and P. E. Burdock Root * * * From the Laboratories of Arlo Co. * * * Cedar Rapids, Iowa"; (box) "Landis Aciduric Tablets * * * Each Aciduric tablet contains: Sodium Salicylate 5 grains Powdered Cimicfugin 1/2 grain Phytolaccin 1/8 grain P. E. Burdock Root 1 grain This package contains 50 tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the tablets in the drums, bottles, and boxes were false and mislead-